



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2014-2015

January 06, 2016

Michelle Harken
CSM Central
324 E. 11th Street, Suite E-3
Tracy, CA 95376

Re: Applicant Name: TURLOCK UNIFIED SCHOOL
DISTRICT
Billed Entity Number: 16027882
Form 471 Application Number: 937218
Funding Request Number(s): 2611669
Your Correspondence Dated: October 27, 2015

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2014 Notification of Improperly Disbursed Funds Recovery Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2611669
Decision on Appeal: **Denied**
Explanation:

- It has been determined funds were improperly disbursed on this funding request. Services were delivered to an entity that was not approved on an FCC Form 471 and is therefore ineligible to receive discount services. FCC rules state that only eligible entities that make a bona fide request for support are eligible to receive benefits under the program. The following address Stanislaus County Office of Education, 1100 H Street is listed on the bills and received telecom services but was not listed on the block 4 of 471#937218. Accordingly, USAC will seek recovery of \$12,640.79 of improperly disbursed funds. Consequently, your appeal is denied.

- FCC rules provide that only schools meeting the statutory definition of “elementary school” or “secondary school” as defined in section 47 C.F.R. sec. 54.500(c) or (k) and not excluded under paragraphs (a)(2) or (a)(3) of this section shall be eligible for discounts on telecommunications and other supported services. *See* 47 C.F.R. sec. 54.501(a)(1). The FCC has defined a school as including individual schools, school districts, and consortia of schools and/or school districts. *See* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9002, FCC 97-157 para. 425, n.1087 (rel. May 8, 1997). An “elementary school” means an elementary school as defined in 20 U.S.C. § 7801(18), a non-profit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under state law. A “secondary school” means a secondary school as defined in 20 U.S.C. § 7801(38), a non-profit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under state law except that the term does not include any education beyond grade 12. *See* 47 C.F.R. sec. 54.500(c) and (k). The FCC’s Bootheel Consortium Order directed USAC to permit the applicant to revise its funding request to remove the services for ineligible entities or allow the applicant to provide additional documentation to show why the relevant entity is eligible within 15 calendar days from the date of receipt of notice in writing by USAC. *See* Requests for Review of Decisions of the Universal Service Administrator by Bootheel Consortium, Silver City, New Mexico, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-309634, et al., CC Docket No. 02-6, Order, 22 FCC Rcd 8747, FCC 07-62 para. 10 (May 8, 2007).

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

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Billed Entity Number: 16027882
Form 471 Application Number: 937218
Form 486 Application Number: